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Chair

Mr. Bill Casey

Standing Committee on Health

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● (1615)

[*English*]

The Chair (Mr. Bill Casey (Cumberland—Colchester, Lib.)): We'll call the meeting to order.

Senator Greene, if you would like to sit at the table, we'd like to have you.

Welcome to meeting 102 of the Standing Committee on Health, pursuant to the order of reference of Wednesday, February 14, 2018, we are studying Bill S-228, an act to amend the Food and Drugs Act, prohibiting food and beverage marketing directed at children.

For witnesses to help us through the clause-by-clause, we have, from the Department of Health, David K. Lee, Chief Regulatory Officer; Karen McIntyre, Director General, Food Directorate, Health Products and Food Branch; and Hasan Hutchinson, Director General, Office of Nutrition Policy and Promotion, Health Products and Food Branch.

We're going to go right to clause-by-clause.

First of all, we're going to skip clause 1 for the time being. That's the title clause, but we'll return to that and the preamble.

(On clause 2)

The Chair: We'll go right to clause 2, where we have amendment Liberal-1.

Dr. Eyolfson.

Mr. Doug Eyolfson (Charleswood—St. James—Assiniboia—Headingley, Lib.): Thank you, Mr. Chair.

The Chair: Is that healthy food you're eating?

Mr. Doug Eyolfson: It is very healthy food, yes, cheese and fruit.

The amendment would read as follows.... The first one is actually in the preamble.

The Chair: No, we're not doing the preamble. We're doing clause 2.

Mr. Doug Eyolfson: It's clause 2, my mistake.

What clause 2 does is replace line 32, on page 2, with the following:

> Whereas it is widely acknowledged that market-

It also adds after line 40 on page 2 the following:

> Whereas it is necessary to review and monitor the effectiveness of this Act, particularly in light of new forms of advertising—

The Chair: Excuse me, but I think you're on Liberal-3.

Mr. Doug Eyolfson: I'm reading Liberal-1.

The Chair: Are you? We have Liberal-1 for clause 2.

Mr. Doug Eyolfson: My apologies, I was given this in the wrong order.

The Chair: No problem.

Mr. Doug Eyolfson: Liberal-1 says that Bill S-228, in clause 2, be amended by replacing line 8, on page 3, with the following:

> "*children*" means persons who are under 13 years of age;

The reason for this is that basically there have been some precedents, and the original wording of "under 17 years of age" might cause some confusion and may perhaps have a charter challenge, with the precedent in Quebec. The reason for this change is that this be aligned with a clause that would likely be charter compliant.

The Chair: Mr. Dubé, you have a comment.

[*Translation*]

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Thank you, Mr. Chair.

Once again, I am pleased to be standing in for my colleague Mr. Davies. The last time I replaced him, I asked experts in the field about it, and they actually said the opposite. If we really want to protect children....

As I said the last time, I wouldn't have wanted to hear this when I was a teenager, but let's be honest, a teenager is still a child within the meaning of the bill. Dr. Potvin Kent's comments come to mind. She said that a teenager was still influenced by society and didn't have quite the same capacity as an adult. That is precisely why they aren't allowed to smoke, or vote before the age of 18. Jurisdictions have different views on the matter. For instance, the legal drinking age in Ontario is 19, but 18 in Quebec.

Nevertheless, one thing is very clear. If we truly want to make a difference and encourage healthy habits, what we have to take into account, in passing this bill, is advertising that markets unhealthy foods as "cool".

● (1620)

[*English*]

I want to quote Dr. David Hammond, who also spoke when I was replacing Mr. Davies, last time. He said, "There is no question whatsoever that if the age limit were increased to 17 and below, the marketing restrictions would be more effective in terms of public health outcomes."

I'm certainly disappointed, and I will be opposing this amendment because I think that at the end of the day, we want to reach the broadest audience possible—and it's habit forming. As much as we say that we want young people to vote because they will continue to vote because it's habit forming, I think the opposite is true as well when it comes to bad habits. In the same way that we don't want teenagers to start smoking, I think we also have to look at that angle when it comes to nutritious food and the types of things that are being advertised to children.

The last point I want to make, Chair, as part of this debate, is to say that when we look at some of the challenges that this type of legislation will have in terms of being as effective as possible, I think the lower the age threshold is, the more loopholes there are that can be exploited in terms of allowing for a broader range of advertising, the times of day of TV shows, and things like that. I think it's safe to conclude that the objective that we should be seeking as parliamentarians is better achieved by opposing this type of amendment. I'll perhaps ask our colleagues what they believe is the public health outcome that will be achieved—or rather, not achieved—by proposing this type of amendment. Perhaps I would direct that question through you, Chair, to Dr. Eyolfson.

The Chair: Are there any other comments on this amendment?

Mr. Doug Eyolfson: Thank you.

I'll simply respond that although I agree that in principle it would be most suitable to have the age of 17, again, there are concerns that this would be subject to a charter challenge, and therefore, the entire bill could be rendered invalid and struck down. There are provisions that later will allow for monitoring, in that, if there is increased advertising to the 13 to 17 age range, this can be reviewed.

Right now, we thought this was the greatest chance of this bill actually having success and not being struck down by the courts.

The Chair: Thank you very much.

I see no further comments, so I'm going to call for a vote on Liberal-1.

An hon. member: Can we have a recorded vote?

(Amendment agreed to: yeas 8; nays 1)

(Clause 2 as amended agreed to)

(Clause 3 agreed to)

(On clause 4)

The Chair: On clause 4, we have three proposed amendments here.

First is CPC-1.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): This is to clarify the meaning of "unhealthy foods". We did hear testimony on Monday from our friends from Quebec who have a lot of experience in this area that unhealthy food is "food that is high in saturated fatty acids, sodium or sugars in a manner that is directed primarily at", so that is the proposed amendment.

The Chair: Could you just say that again?

Ms. Marilyn Gladu: It's intended to clarify. We had a lot of discussion about what is unhealthy food and who determines what's unhealthy food. We had great testimony from our witness from Quebec on Monday, who has a lot of experience in this area and said that it's clear that it is food that is high in saturated fatty acids, sodium, or sugars. That's what the amendment is about.

● (1625)

The Chair: Thank you very much.

Is there any debate?

Dr. Eyolfson.

Mr. Doug Eyolfson: Thank you, Mr. Chair.

I appreciate the intent of this, however, the term as originally worded is "unhealthy food", which focuses on the scope. It's expected that there are going to be changes in science and different definitions being made, so this is to be defined in the regulation. That way it can be responded to and altered much more quickly when these changes in science come about, as opposed to having to put this through more legislative changes every time there's new science.

I will be opposing this.

Mr. Ben Lobb (Huron—Bruce, CPC): Could I ask our officials about their interpretation of "unhealthy food"? I can understand, from a legislative standpoint, that "unhealthy food" would be good for you folks in crafting regulations. However, what Ms. Gladu here has mentioned ties in with the front-of-package labelling. I just wonder if you could provide some comments. Mr. Eyolfson just stated that he would be against that, but just reading between the lines of what Health Canada has proposed for front-of-package labelling, I'm just wondering if you can provide us some commentary on that.

Mr. David Lee (Chief Regulatory Officer, Department of Health): Health Canada's view is that "unhealthy food" is well-crafted in this legislation and it will form a constraint on us so that in defining what an unhealthy food is, that's really a scientific exercise. In looking at over-consumption of sugar, for example, there's a lot of expertise and science behind that, so we would be able to pinpoint what those foods are. As a regulation-making exercise, that's language that really confines us to be able to see if there is a harm to children in the over-consumption of this food. There may be other aspects of food other than the three nutrients in this motion that would qualify, scientifically and demonstrably, to meet that threshold.

The other thing, if I may point out, is that there's language here, "high in". Again, we want to be very careful about that. When you look at the foods that covers, there may be many more foods that are unhealthy advertised to children than, for example, a threshold that's "lower in", where you get good dietary patterns for our children. That's another point, just with this particular language, that we would raise to your attention.

Ms. Marilyn Gladu: Yes. I just think it's important for the government to be consistent. Health Canada has done substantial consultation before it came with the front-of-pack labelling, and it determined that the things that were of concern with respect to health were saturated fatty acids, sodium, and sugars. I think it's important to be consistent. If the science changes, I'm sure you'll want to change the front-of-pack labelling as well. You could, at that time, update the regulations.

Thank you.

Mr. John Oliver (Oakville, Lib.): I appreciate Ms. Gladu's comments, but this is a bill that's focused on children specifically and what is unhealthy food for children. The adult constraints, I'm sure they apply, but there might be other factors as well. I think of the red food dye concerns. I think about maybe something on overly refined flours or starches that may, over time, be determined to cause greater poor health for children than for adults. Staying with this, the "unhealthy food" term, certainly would encompass the detail that you're trying to provide, but as research comes forward, it allows them to move more quickly to the regs. I'll be voting against this amendment for that reason.

Mr. Ben Lobb: I have just another question. There's a group out there now called Hands Off My Plate or something—I don't know how they phrase it. Anyhow, they have different examples of foods that Health Canada would now deem to be unhealthy versus foods that would be exempted under what they've been informed of. The example I saw today was that yogourt would be deemed to be an issue, likely because, potentially, the sugar would pop out. However, toaster strudel would not be deemed unhealthy because it's under the criteria. It's the same for beef teriyaki versus Kraft Dinner.

Are those the things that we're going to have to deal with down the road, or are those incorrect?

● (1630)

Mr. David Lee: In terms of where we are, it's important to recognize that Health Canada is currently in a regulation-making mode. We're doing a lot of science, a lot of consulting to understand what the set of unhealthy foods would be. We have a high degree of concurrence with the ingredients listed here—high in salt, high in sugar, high in saturated fat—and those will help us identify the foods of concern. Over a certain level, that's what is leading to the obesity and the chronic disease in our children.

To your question of how far down we go, this is where setting the criteria carefully on a scientific basis is part of the regulatory discussion, so that we can attach what the harm is going to be with the food products with clarity, so people know what they are. Those are the questions that need to come up. Dealing with them in a clear way in making the regulations is our aspiration, so that we get at those harms but really target those foods that we think would lead to those negative health effects in children.

Mr. Ben Lobb: I'm not trying to drag this out. I'm trying to have my mind eased here on the fact that the members around this table are voting for something that is trying to curb advertising to kids under 13, yet you're going to have these technicalities where a toaster strudel would be okay to advertise to a kid but yogourt would not be allowed.

Is this a possibility, though? Is this a loophole?

Mr. David Lee: It's early to say that this is a possibility. We haven't framed the regulations. We haven't even done a preliminary proposal yet. It's a legitimate discussion that will be raised in that context.

We want to have the science behind it. We are a science department. We want to make sure that when we attribute a harm that it's really there.

Again, this list that's here is the one we are starting with: sugar, salt, saturated fat. There may be other nutrients of concern or other aspects of food that we will build science around. Those are the ones that we have a lot of information and expertise on. Then it's articulating the regulations so it picks out those foods that really are governed by those considerations, because they do produce the harms.

Mr. Ben Lobb: I think you've given a very thoughtful answer. It appears to me that we're putting the cart before the horse here. I think as legislators and people who are looking to craft law to guide Canadians' eating habits or parents on what their children are going to eat, shouldn't we know first what you would propose? With the knowledge of that proposal, we could then come back and say, yes, this food would be or this food wouldn't.

This way we're going blindly into the dark, and all 10 of us at the table here could have egg on our face down the road because we don't even know what foods would be deemed unhealthy or healthy by Health Canada officials.

Mr. David Lee: We would take a lot of guidance from the phrase "unhealthy food", and it would drive our science around that. In this language you are giving us a very important set of parameters to work in. It's linking the harm with the food. That's a lot of guidance at the legislative level. At least, that's what we would suggest in the regulation-making exercise we would focus on.

The Chair: Are there any other comments?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Now we'll go to CPC-2.

Ms. Gladu.

Ms. Marilyn Gladu: This is to provide some criteria for determining whether or not advertising is directed primarily at children. You'll see that it includes some of the things that were recommended: the nature and intended purpose of the food being advertised, the manner in which the advertisement is represented, the time or place at which the advertisement is represented. Then we've added in as well that it does not apply to municipal, provincial, territorial, or national sports events and organizations or to community events for the public such as fairs and exhibitions.

Mr. John Oliver: I had a question for the ministry people on the amendment.

It's the proposed amendment where it says, at proposed subsection 7.1(3), that proposed subsection 7.1(1) does not apply to municipal, provincial, territorial, or national sport events and organizations. I have a question about what the bill actually does in this area. We heard a very clear communication from a whole bunch of sporting groups. They're quite concerned that their sponsorship wouldn't be allowed. Most of their sponsorships are in the form of corporate names and corporate logos.

I was looking at the definition for "food" in the Food and Drugs Act. It says, "any article manufactured, sold or represented for use as food or drink for human beings". My interpretation of that is that Timbits maybe could not be used as a name for sponsorship, but Tim Horton kids, or Tim's Kids could be used because it's more about the brand. As long as it's not the food, then anyone in the industry can advertise with sporting sponsorships whether it be at local or national levels. They can advertise with corporate logos. They just can't advertise a food. A few products like maybe Coke, where the corporate name and the food is the same, like Red Bull or something like that, might have a problem, but the majority of these are corporate names like McDonald's or Tim Hortons or Pizza Pizza. Is that a correct interpretation?

● (1635)

The Chair: Just a second. I have to break in here. The bells are ringing. We have 28 minutes left to go. I need unanimous consent to carry on for another 10 minutes.

Do I have unanimous consent?

An hon. member: No.

The Chair: There is not unanimous consent, so we have to break.

Will we suspend and come back? Is everybody prepared for that?

All right, we'll suspend and come back as soon as the vote is over.

● _____ (Pause) _____ ●

● (1725)

The Chair: All right, we'll reconvene with Mr. Oliver's question.

Can you ask it again?

Mr. John Oliver: I'm sure they remember it.

The Chair: Oh, good.

Mr. John Oliver: Do you want me to ask it again, sir?

Mr. David Lee: No, please correct me if I am wrong, but I think I did retain it.

Mr. John Oliver: It was the issue of food versus logos for corporate sponsorship, sports sponsorship.

Mr. David Lee: Right.

It's important to start with the definition of "advertising", which in the Food and Drugs Act is very broad. It includes language that is direct or indirect by any means whatever. Again, that starts off at a very broad scope, and in terms of this policy we see that as a good thing.

In terms of what's included as promotional behaviour, especially with sports, there can be a fine line in there. As a department—and our minister has been very clear as well that she really wants to make sure we support physical activity in sports for children. That's a very important health outcome that we want to make sure we support. Really, to remove that interpretive ambiguity, if there is any, the intention is to look at actually making an exclusion for sponsorship, where there is support for community-based sports, where kids are playing, but not so much for a wider policy that would say any time there's sports played, you can advertise any kind of unhealthy food. It's really focusing on that sponsorship aspect.

Mr. John Oliver: Could you just explain it? To me, this bill is dealing with unhealthy food, and it's aimed at children. Some of those other provisions I don't think would apply, would they? The "unhealthy food" is coming in through this bill, is it not, or is it part of the general Food and Drugs Act?

Mr. David Lee: "Unhealthy" would become part of the Food and Drugs Act through this bill, and the way it would work is that it attaches to the prohibition in proposed section 7.1. It says—

Mr. John Oliver: For me, I'm quite concerned about losing the ability for sponsorship for provincial and national sports teams. We heard pretty compelling testimony, and we saw 30 to 40 national sporting groups that are quite concerned about that. I'm hearing a political will. It's not necessarily in the reg or in the act that community activities will continue to be allowed to receive sponsorship. That's just because the minister decided, but the bill itself doesn't require it and this doesn't require it.

Mr. David Lee: It's not required in the language. Where we look is that there is a general ability to make exclusions from any prohibition in the act that's in our reg-making powers.

Mr. John Oliver: Can the minister make the exclusion?

Mr. David Lee: She could avail herself of that through the Governor in Council and make that exclusion.

Mr. John Oliver: Is there any way, as a committee, without amending this bill, that we can express our desire that the exclusion that she's prepared to apply to community sports also be applied to provincial and national sports teams?

● (1730)

Mr. David Lee: We have taken note of that. It's important also to note that, as the exemption is made, that's through the gazetting process, so there is a time to consult. There is a weighing out of the exact wording of that anticipated exemption. All of the details would be picked up, and there is a public consultation attached to that as well.

Mr. John Oliver: I'll say it again. For me it's very important that we continue to allow sponsorship of amateur sports at any level, not just at the community level but also at the provincial and national levels.

Ms. Marilyn Gladu: Yes, absolutely, that's why I brought the amendment, because we want to make sure it's specified.

Mr. Eyolfson, when he spoke to this bill in the House, indicated he intended to bring two amendments, one to reduce the age to 13, which we have seen, and the other to make sure that sports events would be excluded under this prohibition. The Minister of Health also stood in the House and answered a question and committed to that as well. For that reason, I think this is a good amendment. I think it will prevent us from preventing kids from participating in sports that are sponsored by foods that may be considered unhealthy.

Mr. John Oliver: I should have come back, then, to address my comments on CPC-2.

Because of what I've heard, that really it's dealing with the ministerial exemption in the act, then I don't know that this applies. Also, I find this amendment is too broad. It's any sports. I think where it's a professional sporting team, which might be being watched by a lot of kids, this act should apply. For me, it was about amateur sports at all levels.

I can't support the amendment. It's just too broad. I think this deals instead with ministerial rights to exclude. That's separate and apart, again, from this bill.

Mr. Len Webber (Calgary Confederation, CPC): Thank you.

I certainly do support this amendment. I have a question to our friends at Health Canada regarding fairs and exhibitions. For example, at the midway at the Calgary Stampede, you see vendors, food trucks, concessions with mini-donut signs. They sell deep-fried pickles, foot-long hot dogs, and cotton candy, and that's advertised everywhere.

Without this amendment, are we looking at their having to paint all their trucks white, and allowing zero advertising on midways of fairs and exhibitions throughout the country?

Mr. David Lee: We wouldn't anticipate an extreme of that nature. What we're looking for is really.... We would look at the context. Where is it being held? Is it it a mixed event? We would look at techniques for marketing. If it's really drilling down into kids, that's really what we want to catch—those unhealthy advertisements to kids.

Again, with this language though, it would be permissive of any advertising of unhealthy food for any community event. In defining what that is, we would have concerns about pinpointing that as well. It could be a book fair. There are a lot of things that might fall under that, so we worry a little that this would allow for a lot more advertising of unhealthy foods to that under-13 group that is clearly directed at them, at least with this language.

Ms. Marilyn Gladu: I'm disappointed that we have a broken promise from Mr. Eyolfson, who said he was going to bring those two amendments—and I don't see the second one here—and that the minister, as well, went back on her word.

That said, I'm disappointed that we're proceeding without the NDP present, but I would call a vote.

The Chair: Mr. Lobb wanted to comment.

Mr. Ben Lobb: I have a couple of questions. I think probably everybody around this table feels the same way. In and of itself it's a very straightforward bill when you look at it at first blush. I think everybody here wants to help kids out. I don't think anybody's questioning that, but it seems that when you start peeling this back—and I know I've presented some simplistic examples—it is a kind of Pandora's box. It is also a lobbyist's dream in a lot of ways because the minister and you guys are going to get lobbied to no end to try to have exemption after exemption.

I heard an example of a country—I can't remember who told me this example, but I think it was in Chile—where you're not allowed to advertise the Easter Bunny in a display. It has to be in a white box.

At the end of the day, is what we're looking at for advertising that it's going to have implications on Santa Claus chocolates and Easter Bunny chocolates and how they're advertised to kids? I know it sounds almost farcical to even say that, but I think that's the path we're going down. I know there was a young lady from Quebec here at the last meeting, and I think she referenced the white box. Is that, in your interpretation, the goal of this bill? I don't know.

● (1735)

Mr. David Lee: Again, the goal of this bill, as stated, is to make sure that we address the problem where we have one in three children who are obese and the chronic diseases related to that. We're addressing it by really curbing promotional activities that induce kids to eat more of these unhealthy foods.

That's the rubric—

Mr. Ben Lobb: I would say Easter fits your definition.

Mr. David Lee: When we come down to making the regulations and exemptions, what we're constantly trying to be faithful to is that objective. We have very clear, rigorous discussions about making sure that we're focusing on the harm. For example, the sponsorship element leads to a positive health outcome. That's where you have a good rationale. You bring it in. You say, "Yes, we want our kids to play sports," so you make that kind of exemption. That's where the policy starts to fit together and you get policy cohesion.

We are consulting a lot with authorities in Quebec to make sure we get this right. They've had a lot of experience with this, and in our view, they have been able to pinpoint the types of advertising people care about and what is directed at children. We can learn a lot from that. We also have a lot of good expertise available to inform us really what to look at.

At the end of the day, it's also regulation-making that is public. You have to observe the goal of the instrument. Then that goes out for public consultation and we weigh carefully all of the input that we do here, in that exercise. Those discussions will get picked up in that regulation-making.

Mr. Doug Eyolfson: I would like to clarify this for the record. I was told that I broke a promise because I promised in my speech that there was going to be an amendment. I have in front of me the text of my speech from openparliament.ca. It says, "Additionally", the health minister "clarified that sports sponsorships would be exempt to ensure activities promoting healthy lifestyles and choices would continue."

Just for the record, I did not in my speech say that I was going to move an amendment to that effect.

Mr. Ben Lobb: There's another question I have. Forgive me for continuing to ask about these things, but when I talk about Pandora's box, I see these. I see, for example, the Fergie Jenkins baseball league. Seeing as how Mr. Masse is here, we can use an example close to his area. Let's say that Amherstburg or Tilbury has a Fergie Jenkins team that's sponsored by some type of chocolate milk maker —Parmalat or whatever—and it's the Parmalat chocolate milk team. That would be legal under this law.

If you had the Fergie Jenkins baseball championship on TSN and Parmalat chocolate milk was the advertiser on TV—obviously with Little League kids who started as little kids playing baseball—that would not be allowed under my interpretation of this. You couldn't have a chocolate milk commercial on a Little League game if it's deemed that it's targeted to kids under 13, yet Parmalat chocolate milk could sponsor the jerseys of all the teams that are playing in the Little League tournament. That's my interpretation of this bill. Am I wrong or right?

Mr. David Lee: Again, it's a little difficult to deal with hypotheticals, but if you look into what you're saying, this is where it's not perfectly clear-cut. We would look at whether that advertising is directed to children. Again, if it's a fairly adult commercial—

Mr. Ben Lobb: I'm sorry to interrupt, but my example would be that obviously the ad is targeted towards children.

Mr. David Lee: Exactly, so why we would care about that is that it takes an unhealthy food for which this policy says "don't promote to children under 13" and allows that to happen. Again, it's within the policy that we would try to observe that in the regulation-making, but again, not in going over that, so you include ads that are for another audience, such as a higher age group, for example. It's really fine-tuning those criteria.

● (1740)

Ms. Marilyn Gladu: Thank you, Chair. I want to correct the record.

To quote from Dr. Eyolfson's speech:

> As I stated previously, should the legislation pass second reading and be referred to the Standing Committee on Health, I will be submitting amendments to it.
>
> The first amendment would change the definition of children from under 17 years of age to under 13 years of age....
>
> Additionally, the Minister of Health clarified that sports sponsorships would be exempt to ensure activities promoting healthy lifestyles and choices would continue.

There's a bit of chat about that and it continues:

This is where I got the idea that there would be two amendments.

The Chair: Okay.

I see no further comments. I'll call for a vote on amendment CPC-2.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: We'll go to amendment Liberal-2 now.

Dr. Eyolfson.

Mr. Doug Eyolfson: Yes, I would like to move the following amendment, which is that Bill S-228, in clause 4, be amended by adding after line 28 on page 3 the following:

> 7.3 Before the fifth anniversary of the day on which sections 7.1 and 7.2 come into force, those sections are to be referred to the committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established for the purpose of reviewing their effect. The review is, in particular, to focus on whether there is an increase in the advertising of unhealthy food in a manner that is directed primarily at persons who are at least 13 years of age but under 17 years of age.

This basically provides Parliament a window to review the effectiveness of this to make sure that the exemption of advertising to 13- to 17-year-olds, or the exemption of the prohibition, would not be exploited and there would be increased advertising to this group.

The Chair: I see no hands raised.

(Amendment agreed to)

(Clause 4 as amended agreed to)

(On clause 5)

The Chair: On clause 5, we have amendment CPC-3.

Ms. Gladu.

Ms. Marilyn Gladu: Chair, I think the legislative clerk would advise that because this one is consequential to the previous word change about the unhealthy foods, which was voted down. This is not to be considered.

The Chair: CPC-3 is withdrawn. We'll move to CPC-4.

Ms. Gladu.

Ms. Marilyn Gladu: We had discussion about the fact that we don't want the advertising to adults to be impacted. By adding in clause 5, "communicated, without unreasonably limiting access by an audience other than children to that advertisement;" that makes it quite clear.

The Chair: Dr. Eyolfson.

Mr. Doug Eyolfson: Again, it's well understandable that this is the intent of it. This has the potential of introducing a loophole. You could allow advertising to children under 13 by targeting other age groups with the same advertisement, so the language is really not clear on this. Given that the language could allow this loophole, I'll be opposing this amendment.

Ms. Marilyn Gladu: It's a total surprise that they're not going to support this amendment.

However, I would say that we did have quite a bit of discussion about audiences where, for example, there would be a small percentage of children but mainly adults. We wanted to make sure that those events wouldn't be hampered and that they would still be able to advertise. Without clarity we're potentially leaving it to the regulators to interpret and I think it would be better to clarify it easily here.

Mr. Ben Lobb: I have one question for our officials. We had Mr. Lund here last Monday. He made a comment about how companies such as YouTube, Facebook, and the like won't be touching food advertising on those platforms going forward. Maybe I misinterpreted what he said, but I'm pretty sure that's clearly what he said.

Is that your interpretation of this as well? It would be virtually impossible, based on all the algorithms behind these platforms, to protect a kid under 13 with this bill so that they wouldn't be exposed if they were using their parents' iPad, computer, or whatever they were on.

● (1745)

Mr. David Lee: I will acknowledge that this is a complex area. For that reason, we are working with experts who can try to tell us what is possible in that space. Again, the intent of the policy is to make sure that there is not a promotional activity that is promoting unhealthy food to somebody under 13.

How that happens digitally is something that we are studying. It is a complex question, but again, the intent that we want to give is concentrating on those under 13, but not more. That would be the intent of how the regulation is expressed. Again, Quebec is having some early experience on this where they've seen some pretty child-directed electronic behaviour. They were able to manage the issue, so there's some promise that we can get a good handle on that, but it will take some work.

Mr. Ben Lobb: What about convenience stores and grocery stores? Obviously, at a grocery store there are all sorts of things that kids can see from the time they can walk at one or one and a half, and then all the way up to age 13. We heard some of the names mentioned at the last meeting, etc. What can you tell us about your opinion of that for a grocery store or a convenience store? Are they going to have to cover everything up like they do with cigarettes at the convenience stores now? What are we looking at with this bill?

Mr. David Lee: My understanding is no, but I will turn to my colleague Hasan to explain.

Mr. Ben Lobb: Again, I'm not trying to exaggerate.

Mr. David Lee: No, of course.

Mr. Ben Lobb: I'm just trying to get your perspective on what we're looking at.

Mr. David Lee: It's a fair question.

Dr. Hasan Hutchinson (Director General, Office of Nutrition Policy and Promotion, Health Products and Food Branch, Department of Health): Certainly at this particular time we are diving into how the.... That's really more on the packaging side of things, and at this time we are really trying to develop our policy around that. We are aware that it's a very interesting environment. That's really where we are right now.

Mr. Ben Lobb: It's really just too early...?

Dr. Hasan Hutchinson: Yes, and once again, as Mr. Lee mentioned earlier, this will be part of a regulatory process. There will be the public consultation that goes with that as we move forward.

Mr. Ben Lobb: It's very interesting because, again, I don't condemn the effort that our senator here has put forward to try to promote a healthier lifestyle for kids, but I just look at this as a Pandora's box.

Basically everything will be left up to the department to determine through a regulatory regime. I've seen that in other bills coming forward through the years, and it's.... I understand that once the bill's passed, there will be review, gazetting, and so on, but it is leaving quite a lot up to you to determine and flesh out. I'm not quite sure. To be quite honest, I don't know how anybody sitting around this table can vote for it because you're really....

The Chair: Let's find out.

Mr. Brian Masse (Windsor West, NDP): I have a point of order.

I think the bells of the House of Commons are ringing. I don't know what is customary in this committee, being one who is just sitting in for our member who is away, but for our committee, it's customary to recess the committee business for that time or seek unanimous consent to continue. I would just like clarification about that.

The Chair: We'd need unanimous consent to continue, but we could finish this in five minutes and then the witnesses wouldn't have to come back on Monday.

Is it the will of the committee to try to finish this in five minutes, or not? I need unanimous consent. Do I have unanimous consent?

Some hon. members: Agreed.

The Chair: All right. There are no more questions on CPC-4, so we're going to have a vote on CPC-4.

Mr. Brian Masse: I didn't consent, Mr. Chair, so there is no consent.

The Chair: You don't consent...?

Thank you.

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